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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,457	10/16/2003	Kok Boon Heh	P-5241C1	8732

26253 7590 12/16/2004

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EXAMINER

FOREMAN, JONATHAN M

ART UNIT	PAPER NUMBER
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3736

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/687,457

**Applicant(s)**

HEH ET AL.

**Examiner**

Jonathan ML Foreman

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/16/03; 12/15/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. For benefit claims under 35 U.S.C. 120, 121 or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of the applications. This should appear as the first sentence of the specification following the title, preferably as a separate paragraph unless it appears in an application data sheet. The status of nonprovisional parent application(s) (whether patented or abandoned) should also be included. If a parent application has become a patent, the expression "now Patent No. \_\_\_\_" should follow the filing date of the parent application. If a parent application has become abandoned, the expression "**now abandoned**". The amendment to the Specification filed 10/16/03 fails to include the status of the nonprovisional parent application.

### *Information Disclosure Statement*

The information disclosure statements filed 10/16/03 and 12/15/03 complies with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. It has been placed in the application file, and the information referred to therein has been considered by the examiner as to the merits.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1 – 3 and 5 - 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,484,419 to Fleck in view of U.S. Patent No. 5,730,150 to Peppel et al., and further in view of U.S. Patent No. 6,213,375 to Rybicki.

In regards to claims 1 – 3 and 5 - 16, Fleck discloses a guidewire advancer (Figure 1) having an elongate tube (14) with a first outlet at a first end and a second outlet at a second end (Col. 4, lines 7 – 8); a guidewire (16) slidably disposed within the elongate tube (14); a body member (Figure 3) having a proximal portion (22), a central portion adapted to receive a finger of a caregiver (Col. 4, lines 24 – 26) and a distal portion (13), wherein the proximal portion is connected to the first outlet of the elongate tube (Col. 4, lines 3 – 5); the proximal portion defines a passage (24) therein for allowing a guidewire to extend therethrough; the distal portion defines a passage therein for allowing a guidewire to extend therethrough; the body member (Figure 3) includes a slot (28) adapted to hold the guidewire in a coiled position (Col. 4, lines 46 – 49); and an end cap (18) covering the second outlet of the elongate tube. However, Fleck fails to disclose the passage of the proximal portion of the body member being above the passage of the distal portion of the body member. Fleck also fails to disclose a roller wheel having a circumferential rough surface positioned adjacent the central portion of the body member having a top portion exposed at the top of the body member and having an axis below the passage of the proximal portion of the body member. Peppel et al. discloses a guidewire advancer (Figure 2) wherein the passage of the proximal portion of the body member is above the passage of the distal portion of the body member (Col. 3, lines 59 – 62). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the proximal passage as disclosed by Fleck to lie above the distal passage as taught by Peppel et al. in order to provide a braking effect to allow the guidewire to be retained within the elongated tube (Col. 3, lines 62 – 65). Rybicki discloses a wire advancer having a roller wheel (18)

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with a circumferential rough surface (18A; Col. 3, line 35) positioned adjacent the central portion of the body member (12) having a top portion exposed at the top of the body member (Figure 2) and having an axis below the passage (20) of the proximal portion of the body member. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the guidewire advancer as disclosed by Fleck in view of Peppel et al. to include a roller wheel as taught by Rybicki to allow the caregiver the ability to advance the guidewire at a steady rate (Col. 3, lines 63 – 64).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,484,419 to Fleck in view of U.S. Patent No. 5,730,150 to Peppel et al., and U.S. Patent No. 6,213,375 to Rybicki as applied to claim 1 above, and further in view of U.S. Patent No. 4,381,777 to Garnier.

In reference to claim 4, Fleck in view of Peppel et al. and Rybicki discloses the circumferential surface of the roller wheel (18) having a rough surface (18A). However, Fleck in view of Peppel et al. and Rybicki does not disclose this surface being rubberized. Garnier teaches forming a roller wheel out of rubber (Col. 3, lines 13 – 17). It would have been obvious to one having ordinary skill in the art to replace the rough surface as disclosed by Fleck in view of Peppel et al. and Rybicki with one that is rubberized as taught by Garnier in order to increase the coefficient of friction between the roller wheel and the guide wire. Furthermore, the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. *In re Leshin*, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

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### *Conclusion*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan ML Foreman whose telephone number is (571)272-4724. The examiner can normally be reached on Monday - Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571)272-4726.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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